IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Writ Petition No. 533 of 2002 (S/B)

Lavkush S/o Randheer Singh
Adhoc Lecturer (Physics)
Government Post Graduate College
Kashipur District Udham Singh Nagar
Attached with Government P.G. College
Ramnagar, District Nainital ... Petitioner

Vs

1. State of Uttaranchal through
   Secretary, Department of Higher Education
   Dehradun, District Dehradun
2. Director, Higher Education
   Uttaranchal, Haldwani
   District Nainital
3. Principal, Government P.G. College
   Ramnagar, District Nainital
4. Principal, Government P.G. College
   Kashipur, District Udham Singh Nagar
5. State of U.P. through
   Secretary, Shiksha Anubhag – 17
   Lucknow, U.P. ... Respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

This writ petition has been filed by the petitioner challenged the order dated 14.03.2002, by which the services of the petitioner was terminated under the Uttar Pradesh Temporary Government Servant (Termination of Services) Rules, 1975.

2. A perusal of the order does not indicate that the petitioner was given one month notice or one month salary in lieu of the termination order, therefore, the termination order dated 14.03.2002 is not in accordance with the provisions of U.P. Government Servant (Termination of Services) Rules, 1975 and hence cannot be sustained in the eye of law.

3. Accordingly, the termination order dated 14.03.2002 is hereby quashed. Since the petitioner is continuing in terms of the interim order dated 24.05.2002 passed by this Court and we have quashed the termination order dated 14.03.2002 on the ground that it was not passed in accordance with Rules, 1975 and in the meantime the petitioner has become eligible to be considered for regularization, therefore it is provided that the case of the petitioner shall be considered for regularization within a period of one month from the date of production of certified copy of the order. However, it will be open for the respondents to take into account the adverse material which was found in the enquiry against the petitioner for judging his suitability for regularization and if the petitioner is not found suitable for regularization, the fresh termination order of the petitioner shall be passed.

4. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

22.05.2006
R.Dang